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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,223	07/30/2001	Barry Shantz	7496RC	4950

27752 7590 12/09/2002

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EXAMINER

TRAN, SUSAN T

ART UNIT	PAPER NUMBER
1615	13

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/918,223	SHANTZ ET AL.
	Examiner Susan Tran	Art Unit 1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 October 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 2-5,10-13 and 15-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 2-5,10-13 and 15-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Receipt is acknowledged of applicant's Preliminary Amendment and Request for Continued Examination filed 10/01/02.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/01/02 has been entered.

Claim Objections

Claim 18 is objected to because of the typographical error. The phrase "claim 18" should read "claim 17". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-5, 10-13, 15, 16, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pung et al. WO 99/25318, in view of Blieszner et al. US 5,648,083, and Muckenfuhs US 5,332,118.

Pung teaches personal cleansing wipe comprising aqueous cleansing composition (abstract). The aqueous cleansing composition comprises from about 0.5% to about 12.5% surfactant including nonionic and amphoteric surfactant, such as cocamidopropyl PG-Dimonium chloride phosphate, and stearamidopropyl phosphatidyl PG-Dimonium chloride (pages 12-14). The aqueous cleansing composition further comprises mineral oil, petrolatum, keratolytics, anti-microbial agent, water-soluble polymers, fragrance, and skin soothing agent (pages 16, 19-21, 24-25).

Pung does not teach the amount of water being used in the aqueous cleansing composition.

Blieszner teaches aqueous composition useful for disposable wipe products comprising water-soluble polyols, moisteners, fragrance, skin soothing aids, and at least about 90% water (column 4).

The cited references are silent as to the teaching of the container for the substrate (wipe). Muckenfuhs teaches dispensing sheets comprising nonwoven material, emulsion, moisturizers, emollients, preservative, and allantoin (column 10, lines 1-55). The sheets are Z-folded, interleaved, and placed in a pop-up dispensing container (column 5, lines 62-68). Thus, it would have been *prima facie* obvious for one of ordinary skill in the art to modify Pung's aqueous cleansing composition using the dispensing system of Muckenfuhs and at least 90% of water in view of the teaching of

Blieszner, because the references teach the advantageous results in the use of aqueous composition in wipe products.

The examiner notes the cited references do not teach the dimensions of the wipe. However, it is the position of the examiner that no criticality is seen in the particular dimension since the references teach aqueous composition in a wipe substrate. The particular wipe dimensions have not been shown to provide any unusual and/or unexpected results over the applied prior arts.

Pertinent Arts

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brennan et al., Coury et al., and Baveley et al. are cited as being of interest for the teachings of disposable wipe containing lotion.

Correspondence

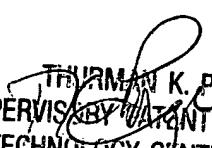
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Tran whose telephone number is (703) 306-5816. The examiner can normally be reached on Monday through Thursday from 6:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.


THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600